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[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**MICROSOFT CORP.**

and

**ACTIVISION BLIZZARD, INC.,**

Defendants.

Case No. 3:23-cv-2880-JSC

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL  
SHOULD BE SEALED**

Dept.: Courtroom 8  
Judge: Honorable Jacqueline Scott Corley

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED  
CASE NO. 3:23-CV-2880-JSC

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Third Supplement to its Exhibit List.

Certain portions of Plaintiff's Third Supplement to its Exhibit List contain information that was obtained during the course of litigation discovery in *In the matter of Microsoft Corp. and Activision, Blizzard, Inc.*, before the United States of America Federal Trade Commission Office of Administrative Law Judges, Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered on December 9, 2022 ("Administrative Protective Order"). As detailed below, producing parties have filed, and Plaintiff reasonably expects the producing party may file, confidentiality declarations in support of sealing as required by Local Rule 79-5. Accordingly, Plaintiff seeks to file under seal:

PX#	Description	Docket Entry
PX1781	Document Description	Dkt. 232 ( <i>in camera</i> treatment requested)
PX2355	Document Description	held for L.R. 79-5(f) declaration
PX2447	Document Description	Dkt. 230 (redacted version forthcoming)
PX2448	Document Description	Dkt. 230 (redacted version forthcoming)
PX2452	Document Description	Dkt. 230 (redacted version forthcoming)
PX2454	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX2456	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX2460	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX2462	Document Description	Dkt. 230 (redacted version forthcoming)
PX2463	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX2464	Document Description	Dkt. 230 (redacted version forthcoming)
PX2465	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX2471	Document Description	Dkt. 230 (redacted version forthcoming)
PX3148	Document Description	Dkt. 230 (redacted version forthcoming)
PX3378	Document Description	Admitted partially <i>in camera</i> on June 27, 2023
PX4678	Document Description	held for L.R. 79-5(f) declaration
PX4743	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX4905	Document Description	held for L.R. 79-5(f) declaration
PX5002	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX5004	Document Description	Dkt. 230 ( <i>in camera</i> treatment requested)
PX7078	Document Description	held for L.R. 79-5(f) declaration

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED  
CASE NO. 3:23-CV-2880-JSC

1 Materials and documents may be provisionally filed under seal pursuant to Civil Local  
 2 Rule 79-5(f) when the document, or portions thereof, “has been designated as confidential by  
 3 another party or non-party.” L.R. 79-5(f).

4 Plaintiff has redacted the above-referenced yellow-highlighted portions of the FTC  
 5 Exhibit List because Microsoft Corporation (“Microsoft”) and Activision Blizzard Inc.  
 6 (“Activision”) have designated the information contained therein as confidential pursuant to  
 7 L.R. 79-5(f), and to provide Microsoft and Activision an opportunity to designate the  
 8 information contained therein as confidential pursuant to L.R. 79-5(f). *See* Activision’s (1)  
 9 Fourth Amended Administrative Motion Seeking *In Camera* Treatment of Certain Exhibits  
 10 Pursuant to Civil L.R. 7-11 and 79-5; and (2) Declaration of Page Robinson In Support Thereof  
 11 (Dkt. No. 230); Microsoft’s Administrative Motion Seeking *In Camera* Treatment of Certain  
 12 Exhibits Pursuant to Civil L.R. 7-11 and 79-5 (Dkt. No. 232); *see also* Omnibus Administrative  
 13 Motion Regarding *In Camera* Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-  
 14 5 (Dkt. No. 233).

15 Plaintiff has redacted the above-referenced green-highlighted portions of the FTC  
 16 Exhibit List because Nvidia Corporation (“Nvidia”) has not yet had an opportunity to designate  
 17 the information contained therein as confidential pursuant to L.R. 79-5(f). *See* Nvidia  
 18 Corporation’s Statement in Support of Sealing Portions of Evidentiary Hearing Exhibits (Dkt.  
 19 No. 161); Nvidia Corporation’s Statement in Support of Sealing Regarding Plaintiff’s  
 20 Administrative Motions to Consider Whether Another Party’s Material Should Be Sealed (ECF  
 21 Nos. 132 & 183) (Dkt. No. 234). The redacted green-highlighted portion of the FTC’s Exhibit  
 22 List has already been designated as confidential by Microsoft (Dkt. No. 230), as indicated  
 23 above.

24 Plaintiff takes no position on the merits of sealing Microsoft’s, Activision’s, or Nvidia’s  
 25 designated material.

1 In compliance with Civil Local Rule 79-5(d), the unredacted version of the FTC Exhibit  
2 List accompanies this Administrative Motion. In accordance with Local Rule 7-11, Plaintiff has  
3 also filed a Proposed Order herewith  
4  
5  
6

7 Dated: June 28, 2023

Respectfully submitted,

9 /s/ Jennifer Fleury

10 Jennifer Fleury  
11 Peggy Bayer Femenella  
12 James Abell  
13 Cem Akleman  
14 J. Alexander Ansaldo  
15 Michael T. Blevins  
16 Amanda L. Butler  
17 Nicole Callan  
18 Maria Cirincione  
19 Kassandra DiPietro  
20 Michael A. Franchak  
21 James Gossman  
22 Ethan Gurwitz  
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